

United States District Court
EASTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALEJANDRO MARIN-GUTIERREZ,

Defendant.

FILED UNDER SEAL

CRIMINAL COMPLAINT

Case No. 22-MJ-248-GLJ

I, Aldo Romero, the undersigned complainant, state that the following is true to the best of my knowledge and belief.

On or about June 2, 2022, in the Eastern District of Oklahoma, **ALEJANDRO MARIN-GUTIERREZ**, committed the crime of Illegal Reentry of a Previously Deported Alien, in violation of Title 8, United States Code, Sections 1326(a) and 1326(b)(1).

I further state that I am a Deportation Officer with Immigration and Customs Enforcement, Enforcement and Removal Operation, and that this complaint is based on the following facts:

(See attached Affidavit of Aldo Romero, which is attached hereto and made a part hereof by reference.)

☒ Continued on the attached sheet.

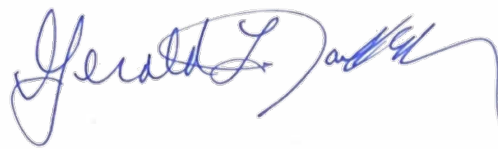


ALDO ROMERO, Deportation Officer
Immigration and Customs Enforcement

Sworn to and subscribed at: MUSKOGEE, OKLAHOMA

Date: September 6, 2022

GERALD L. JACKSON
UNITED STATES MAGISTRATE JUDGE
Name and Title of Judicial Officer



Signature of Judicial Officer



AFFIDAVIT

I, Aldo Romero, being duly sworn under oath, do hereby depose and state:

INTRODUCTION AND AGENT BACKGROUND

1. Affiant is a Deportation Officer with Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations (ERO). I have been an Officer with ICE since August 2020. Beginning in February 2021, I have been assigned to the Criminal Alien Program, Fugitive Operations Team, and ERO Criminal Prosecutions in Tulsa, OK. Prior to this assignment, I was an Enforcement and Removal Assistant (ERA) with ICE. Prior to working for ICE, I worked as a contractor for ICE in the Alternative to Detention (ATD) program.
2. During my current assignment with the ERO Criminal Prosecutions, I am tasked with reviewing cases encountered at the Tulsa sub-office in Tulsa, OK, by our Criminal Alien Program, Fugitive Operations Team, and members of the 287(g) program. The 287(g) program is a joint operation between ICE and Detention Officers of the Tulsa County Sheriff's Office. Said Detention Officers have been cross trained by ICE as Designated Immigrations Officers (DIO) to assist in the identification and processing of undocumented aliens or those that have violated their lawful status in the United States. After a subject is released to Immigration on our detainer by a local police agency, I identify that a subject was not born in the US, then the subjects' fingerprints and biographical information are submitted to the Integrated Automated Fingerprint Information System (IAFIS) and the Automated Biometric Identification System (IDENT). Subjects that are amenable to removal are then administratively processed for either their immigration hearing or for removal. Those subjects that have been identified as being previously removed and returned to the US unlawfully are then referred to me for further review to ascertain if the subject meets the

criteria for federal prosecution under Title 8, United States Code § 1326 for Illegal Reentry of a Previously Removed Alien.

3. The statements contained in this Affidavit are based in part on information provided by other agencies, written reports about this and other investigations that I have received, directly or indirectly, from other law enforcement agents, independent investigation, and my experience, training, and background as a Deportation Officer with ICE. Because this Affidavit is being submitted for the limited purpose of establishing probable cause to believe that Alejandro Marin-Gutierrez committed the offense Illegal Reentry of a Previously Removed Alien, in violation of Title 18, United States Code, Sections 1326(a) and 1326(b)(1), I have not included every detail of the investigation. In addition, unless otherwise indicated, all statements contained in this Affidavit are summaries in substance and in part. The following is true to the best of my knowledge and belief.

4. As will be shown below, there is probable cause to believe that Alejandro Marin-Gutierrez committed the offense of Illegal Reentry of a Previously Removed Alien, in violation of Title 18, United States Code, Sections 1326(a) and 1326(b)(1).

5. VENUE: The facts and circumstances alleged in this Affidavit occurred within the Eastern District of Oklahoma.

PROBABLE CAUSE

6. Affiant received the following information from reports written by, and oral conversations with, other law enforcement officers. The Tulsa ICE office received information from the Dallas Field Office indicating that Alejandro Marin-Gutierrez was a non-Citizen who was present in the U.S in violation of the Immigration and Nationality Act (INA). The information received from Dallas was from an encounter Marin-Gutierrez had with the Pittsburg County

Sheriff's office in McAlester, Oklahoma on March 19, 2021. The Pittsburg County Sheriff's office ran record checks that day that identified Marin as a Non-Citizen. Further investigation revealed that Marin-Gutierrez was previously convicted of a felony on August 2, 2019, and I learned that Marin-Gutierrez was linked to an address in McAlester, Oklahoma.

7. Surveillance conducted by Officer Romero confirmed that Marin-Gutierrez was in fact living at an address at E Seminole Ave, McAlester, Oklahoma. The ICE Tulsa Fugitive Operations Team arrested Marin-Gutierrez outside his home in McAlester, Oklahoma on June 2, 2022. Marin-Gutierrez informed agents that he last entered the United States at or near Laredo, Texas in May 2020. Following his arrest, Marin-Gutierrez was booked into the Tulsa County Jail. Following the encounter with Marin-Gutierrez and his arrest on June 2, 2022, I confirmed that Marin-Gutierrez was a non-citizen and Mexico national. I learned that Marin-Gutierrez had been previously removed from the United States on February 4, 2020, at or near Hidalgo, Texas. Further investigation verified that Marin-Gutierrez had never filed any application for permission to re-enter the United States and had never received consent from the Secretary of Homeland Security to reapply for admission to the United States.

8. Marin-Gutierrez was removed from the United States on June 6, 2022. However, on September 2, 2022, Marin-Gutierrez was apprehended in New Mexico attempting to re-enter the United States.

CONCLUSION

9. Based on the information set forth in this affidavit, I submit there is probable cause to believe that Alejandro Marin-Gutierrez has committed the offense of Illegal Reentry of a Previously Removed Alien, in violation of Title 18, United States Code, Sections 1326(a) and 1326(b)(1), within the Eastern District of Oklahoma.

Respectfully submitted,



ALDO ROMERO, Deportation Officer
Immigration and Customs Enforcement

Subscribed and sworn via phone on the 6th day of September, 2022.



UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF OKLAHOMA